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Carmen Pili Ekstrom

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Leonel Yanez MARTINEZ et al.

Serial No. 10/613,433

Filed: JULY 3, 2003

Title: **DRY WATER RESISTANT  
COAXIAL CABLE AND METHOD  
OF MANUFACTURE THEREOF**

Docket No. MX/JFServ-001

Group Art Unit: 2831

Examiner: William Mayo II

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUMMARY OF EXAMINER INTERVIEW**

The following is a summary of the Examiner Interview conducted on July 1, 2010 in the above-identified application.

**BACKGROUND**

On June 25, 2010, the Examiner called and informed me about claim amendments for the above-identified application. Appellants' representative indicated that she was getting ready to attend a meeting and will be able to review the application upon her return and talk to the Examiner about the claims.

On June 29 and 30, Appellants' representative called Examiner Mayo and left a message but didn't get a return call. On July 1, Appellants' representative called Examiner Mayo but there was no answer. Appellants' representative called SPE Diego

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JUL 01 2010

Leonel Yanez Martinez  
Serial No. 10/613,333  
Examiner Interview Summary

Gutierrez and inquired whether Examiner Mayo was on vacation. Appellants' representative was informed that Examiner Mayo was on vacation on June 29 and 30 and will be back on July 1 and that Appellants' representative should receive a phone call from Examiner Mayo later in the day. Appellants' representative received the phone call from Examiner Mayo on July 1, 2010.

### **DISCUSSION**

At the interview, it was discussed that the Examiner's proposed amendment to the claims will remove the objection issues. The Examiner asserted that the claims were objected and therefore petitionable. See Examiner Answer dated 2-18-2010. However, the Final Rejection by the Examiner alleged that the claims are indefinite. See Final Rejection dated 5-19-2009.

In the Appeal Brief filed on 11-2-2009, Appellants argued that the claims were rejected under 35 U.S.C. §112, second paragraph because the Examiner stated they were indefinite. Appellants directed the Examiner to various pages of the specification and claims to show that the claims are definite. Appellants believe that the claims were appealable because Examiner alleged they were indefinite.

At the interview, Appellants repeated the argument with the Examiner that the primary reference Chan, U.S. 5486648 employs concentric neutral wires (CNW) which are stranded and non-continuous while the external conductor of the present invention is not stranded, continuous and solid all the way around and supports electric field. This characteristic is important because stranded, non-continuous wires will not provide the magnetic or electric path. It will impede current flow. The current will not flow because the conductors are separate. CNW will not work in signal application as present invention.

In addition, Chan discloses crosslinked polyethylene (XLPE) such as ethylene vinyl acetate or EPR and are different materials while the present invention employs low density polyethylene (LDPE). Chan's crosslinking requires curing. It is well known to one of ordinary skill in that art that the curing process provides high heat resistance and therefore provides high dielectric. The present

Leonel Yanez Martinez  
Serial No. 10/613,333  
Examiner Interview Summary

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JUL 01 2010

invention has **LOW** dielectric and low thermal extended properties which provide low capacitance for transmission properties. If a material has high dielectric and placed in an electric field, the magnitude of the field will be measurably reduced within the volume of the dielectric. XLPE is not functionally equivalent to LDPE


The Examiner combined Chan with Goehlich (U.S. 6,784,371) and Belli et al. (U.S. 6,455,769) which are both directed to continuous wires. There is **no motivation or suggestion to combine** Chan (**non-continuous** or stranded wires) with Goehlich and Belli which are continuous wires in order to achieve the presently claimed invention. The invention is directed to communication cables and not power cables.

In the event that there are any problems which can be expedited by telephone conference, the Examiner is invited to telephone the Appellants' undersigned attorney at the telephone number listed below.

Respectfully submitted,  
LAW OFFICE OF CARMEN PILI EKSTROM

Attorney Docket No. MX/JFC-Serv-001  
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